Vol. 1 2026-2027 School Year

Texas Education Agency

SPECIAL EDUCATION BACK TO SCHOOL UPDATE

OCTOBER 2026

For Special Education Staff, Administrators, and Other Professionals

Several Commissioner of Education rule amendments effective for the 2026-2027 school year implement legislation enacted by the 89th Texas Legislature, Regular Session, 2025, and reflect current state requirements. This document highlights key changes, implementation considerations, and important dates, but it is not a substitute for reviewing the complete amended rules. All rules are effective as of October 4, 2026, although some provisions will not apply until July 1, 2027. Hyperlinks to the rules are provided in the number listed at the beginning of each section.

§89.1040. ELIGIBILITY CRITERIA.

- Evaluation reports must include information regarding any situation or circumstance that would impact the validity of the testing instruments given to the child.
- Eligibility requirements for Intellectual Disability (ID) have been updated so that a convergence of evidence (different, independent sources all supporting one conclusion) can be used to determine the disability condition after an intelligence test is given or attempted and the results of the test are deemed to be invalid.

§89.1050. THE ADMISSION, REVIEW, AND DISMISSAL (ARD) COMMITTEE.

- Updates ARD committee membership requirements by:
  - revising the career and technical education (CTE) member requirement to allow either a knowledgeable CTE representative, who can also serve as district representative, or CTE teacher, who can also serve as general education teacher, when considering CTE placement;
  - allowing a dually certified prekindergarten teacher to fulfill both the general and special education teacher roles when the teacher is the only general education teacher responsible for implementing the child's individualized education program (IEP);
  - allowing a teacher with deafblind certification to serve on the ARD committee for students with suspected or documented deaf-blindness instead of requiring both a teacher of students with visual impairments and a teacher of students who are deaf or hard of hearing.
- Parents must be notified and an ARD meeting must be held if a change in location of services constitutes a change of educational placement. Parents also have the right to request an ARD meeting if they believe the change in the location of services is a change in educational placement.

Beginning July 1, 2027

- When a school system is providing ARD meeting notices and prior written notice (PWN), timelines will change from five school days to 10 calendar days. The current five-school-day timelines remain in effect until then.
- Districts must respond to a parent's written request for an ARD meeting within 10 school days by providing scheduling options or a written refusal. Until then, districts must schedule and convene the meeting upon receipt of the request or provide a written refusal within five school days.

§89.1053. PROCEDURES FOR THE USE OF CONFINEMENT, RESTRAINT, SECLUSION, AND TIME-OUT.

- Updated to include provisions for crisis intervention and prevention training as outlined in Texas Education Code (TEC), §37.0021.
- The following definitions were added for clarity and consistency in implementation and alignment with House Bill (HB) 2, Senate Bill (SB) 133, and SB 568:
  - Crisis
  - Crisis prevention and intervention training
  - Imminent

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- Law enforcement duties
- Restraint
- Seclusion
- Taser

- Definition of "time-out" was updated to clarify that a time-out can occur within or outside of a classroom setting and with or without other students present.

"Time-out" updated to include in or outside the classroom.

- Training on the use of restraint must include instruction on disability-related behaviors and emphasize individualized and developmentally appropriate approaches and the use of positive behavior supports as alternatives to physical intervention and restraint.
- Clarifies parent notification requirements by establishing a 24-hour written notice deadline for residential placements following any restraint, regardless of when the restraint occurs, ensuring consistent reporting timelines.
- Clarifies that each restraint must be documented and reported separately each time a student is restrained and released, regardless of the length of the restraint.
- Clarifies that restraints may not be used as a disciplinary or behavior management technique or a method to gain student compliance.
- Adds that the student's ARD committee must review, at least annually, the use, amount, and effectiveness of time-out and consider revisions to the behavioral intervention plan or positive behavior supports to reduce the use of time-out, strengthening oversight and reducing reliance on time-out.
- Gives more explanation as to how to document time-out, including a description of the behavior that promoted the use of time-out and any data collected regarding the use the time-out.
- Adds a section that describes how school employees, volunteers, and independent contractors must be trained in crisis intervention and prevention.
  - School systems must create, document, and use a risk criterion based on job roles, campus assignments, or incident history to determine how often personnel will be trained.
  - High risk employees must be trained in non-violent crisis intervention techniques, verbal de-escalation strategies, and physical intervention procedures.
  - Required training must use standards from the State Board for Educator Certification's continuing education clearinghouse.
  - Establishes annual training for high-risk personnel and every two years for other campus-based personnel.
  - Allows required training to be combined with other trainings as long as 51% or more of the content addresses the requirements in the rule to include:
    - Trauma-informed care
    - Conflict resolution and positive student relationship

§89.1055. INDIVIDUALIZED EDUCATION PROGRAM (IEP).

Requires annual IEP reviews to occur no later than 365 days after the previous annual review, providing a consistent statewide timeline for annual IEP compliance.

Annual IEP reviews must happen within **365** days

Expands Present Levels of Academic Achievement and Functional Performance (PLAAFP) requirements by requiring ARD committees to document student strengths, unique disability characteristics, grade-level academic expectations compared to nondisabled peers, baseline data for both academic and functional areas, and critical needs.

Adds requirements for annual goal development by requiring ARD committees to identify curriculum barriers related to a student's disability, develop goals for identified critical needs, and ensure goals are not merely restatements of grade-level TEKS.

Removes the requirement to develop annual goals solely because a student is served outside the general education setting when grade-level content is not modified.

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Adds a requirement to develop annual goals when a special education teacher or service provider is the teacher of record or is solely responsible for delivering academic, functional, or related services.

Adds that IEPs must document service delivery schedules to include frequency, duration and location/classroom setting, time spent inside and outside the general education setting, and procedures for documenting delivered and missed services to ensure compliance with implementation of services.

Adds new dyslexia documentation requirements by requiring the IEP to document the student's eligibility as a student with a specific learning disability of dyslexia, the need for evidence-based dyslexia instruction as a special education service, the participation of the required dyslexia member (TEC 29.0031(b)) in the ARD committee, and parent notification of the Talking Book Program and other available audiobook services as required by TEC §29.0031(e).

Prohibits using a specific learning disability in basic reading or reading fluency as a means of avoiding dyslexia requirements and requires documentation when dyslexia is not identified.

Allows the 20-school-day timeline for adopting or developing an IEP for a transfer student to be extended when the student is absent for three or more school days, with the timeline extended by the number of school days the student was absent.

Beginning July 1, 2027

- When an ARD committee determines that short-term objectives/benchmarks are required, at least two objectives/benchmarks must be included for each annual goal. Each objective/benchmark must include a timeframe, condition, behavior, and criterion, along with distinct measures for progress monitoring.
- Adds comprehensive dyslexia IEP documentation requirements, including documentation of the program name, instructional components, instructional delivery, implementation fidelity, qualified providers, and progress reporting.
- Requires documentation when dyslexia instructional requirements are determined not to apply to a student with dyslexia and the basis for that decision.
- Adds dysgraphia-specific IEP documentation requirements, including eligibility and decisions regarding writing instruction.
- Adds School Health and Related Services (SHARS) documentation requirements for services the district plans to seek Medicaid reimbursement.
- Establishes a 10-school-day timeline for providing finalized IEPs to parents and requires districts to document the date and method of delivery.

§89.1075. GENERAL PROGRAM REQUIREMENTS AND LOCAL DISTRICT PROCEDURES.

- Establishes timelines for the Transition and Employment Designee (TED) to complete required training within 90 calendar days of being initially designated (or when the training is updated by the commissioner), and annually thereafter.

TEDs to complete required training within **90** calendar days

Beginning July 1, 2027

- PWN must be provided to parents at least 10 calendar days (currently 5 school days) before the school system proposes or refuses to initiate an action as required under 34 CFR §300.503.

§89.1092. RESIDENTIAL PLACEMENT PROGRAMS FOR THE PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION (FAPE).

- Clarifies the rules governing residential placements used to provide a Free Appropriate Public Education (FAPE) to students with disabilities with clearer definitions and terminology for residential programs, residential providers, and school system responsibilities. The intent is to ensure that

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students placed in residential settings continue to receive appropriate special education and related services while maintaining compliance with state and federal requirements.

- Strengthens the accountability and oversight of residential placement programs establishing clearer requirements for provider approval, reapproval, and ongoing monitoring by TEA. The revised rule distinguishes between ARD committee-placed residential placements and other residential settings, clarifies contracting expectations, and expands requirements related to notifications, documentation, and TEA oversight.
- Defines funding and operational responsibilities for districts and residential placement contracts, TEA notification processes, monitoring activities, and the circumstances under which state and federal funding may be approved for residential placements.
- Affirms that districts remain responsible for ensuring students receive FAPE and for complying with reporting, contracting, and oversight requirements when residential services are provided through a residential placement program.

§89.1094. DAY PLACEMENT PROGRAMS FOR THE PROVISION OF A FREE APPROPRIATE PUBLIC EDUCATION (FAPE).

- Creates more formal approval and oversight framework for programs that serve students in public and private day placements. The revised rule establishes a TEA approval, reapproval, and monitoring process for providers, allows TEA to approve programs independently of a district contract, strengthens onsite review and compliance expectations, and provides clearer authority for TEA to intervene when a program fails to meet standards. This represents a shift from a largely contracting-focused rule to one centered on state approval, quality assurance, and ongoing monitoring of providers.

Creates more formal approval and oversight framework for programs

- Expanded to facilitate the new cooperative funding model created under TEC §48.304. Funding is intended to expand county-level day placement capacity, with TEA designating eligible cooperatives and programs based on statutory criteria, availability needs, and compliance with standards.
- Increases reporting, accountability, and transparency requirements, emphasizing data collection and reporting related to academic progress, behavioral outcomes, IEP implementation, service delivery, staffing qualifications, educator conduct, and fiscal transparency. Programs are expected to maintain systems that allow TEA and LEAs to monitor performance, verify compliance, and evaluate student outcomes to ensure that day placement programs are instructional and outcome-focused rather than custodial, provide greater visibility into program effectiveness and costs, and allow TEA to hold providers accountable for student results, service quality, and regulatory compliance.

The Noneducational Community-Based Supports (NECBS) grant is now available for parents of students placed in Residential Programs and, in certain instances, Day-Placement Programs. For more information, visit the NECBS webpage.

§89.1096. PROVISION OF SERVICES FOR PARENTALLY PLACED PRIVATE SCHOOL CHILDREN WITH DISABILITIES.

- Clarifies that parents of parentally placed private school students with a disability may request an individualized services plan (ISP) when the student is designated to receive services under 34 CFR §300.132.
- Adds Education Savings Account (ESA)-specific IEP requirements for students not enrolled in public school, establishing the documentation needed to determine eligibility under TEC §29.3615.

ESA - specific IEPs for students not enrolled in public school

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- Requires ARD committees to develop an ESA-related IEP upon parent request, supporting participation in the ESA program.
- Allows existing IEPs and prior funding data to be used for ESA eligibility determinations, streamlining eligibility verification.
- Makes ESA-only IEPs non-appealable, distinguishing them from IEPs developed for the provision of FAPE.
- Removes transportation and dispute resolution provisions tied to the previous dual-enrollment framework, reflecting the transition to private school and ESA-related eligibility procedures.

Through the End of the 2026–2027 School Year

- Dual enrollment remains available for eligible students ages 3-4 enrolled in both public and private school, with the resident district responsible for providing FAPE and services through an IEP. The provision was retained in response to public comment and will expire at the conclusion of the 2026-2027 school year.

§89.1121. DISTRIBUTION OF STATE FUNDS.

There is a change to the funding model used for state special education funding. The model is shifting from a location based system to an intensity based system. The model uses a tier score and service groups to assign funding.

Tiers of Intensity Details:

5 domains in the new intensity of services funding model.

To determine the tiers of intensity in the new intensity of services funding model, there are 5 domains for which an intensity level of support must be determined based on ARD committee decisions documented in a student's IEP. These domains are: Curriculum and Instruction Supports, Behavior Supports, Communication Supports, Independent Functioning Supports, and Personal Care/Health Supports. Within each domain, there are 4 factors to consider: Factor A: Type/Frequency/Nature of Required Support; Factor B: Required Provider Credentials; Factor C: Required Groupings/Provider-to-Student Ratio; and Factor D: Required Equipment/Technology. Once each factor is rated within each domain, a tier score is produced.

Service Group Details:

Service groups are designed to recognize that, beyond a base level of special education funding determined through the intensity tiers, some students require additional, measurable resources to implement their IEPs. While the tier intensity funding amount is intended to support core special education instruction and general programmatic costs, service groups function as add-on funding mechanisms that account for variations in service intensity, staffing requirements, and delivery costs across students. Service groups 1-3 provide additional funding based on the amount of related services time a student receives. Service groups 4-5 provide additional funding based on the extent a student needs a 1:1 service provider or the amount of time per week a student receives special education and related services at home, at a hospital or other medical facility (including an outpatient facility), or at another facility not operated by the school system in which the student is enrolled, but the services are provided by personnel of the district or open enrollment charter school in which the student is enrolled.

For more information about the intensity of services funding model, you can access the Texas SPED Support website dedicated to this topic.